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REMARKS

We acknowledge with appreciation the telephone call from the Examiner in which he called our attention to the unresolved condition of claims 10-14 and 17. We authorized the cancellation of said claims which we understand the Examiner will do and confirm appropriately subsequently.

We further acknowledge our subsequent telephone conversation with the Examiner in which the revision/clarification of the workpiece as set out in the accompanying amended claims was discussed. The amendments are needed to provide the applicant with the protection his disclosure is directed to, and to which he is entitled. Specifically, the inventive concept is broadly directed to "metals whose properties can be modified by the application of heat", page 1, lines 6, 7. To meet the stringent disclosure requirements applicant used the example for which he had the best data, namely ferrous metallurgy. It will be noted that the invention really lies in the manipulative steps which comprise the method, not the material acted on. Thus the revised claims do not require any additional search or examination because the history of prosecution discloses that the Examiner's search was directed to the manipulative steps and not the material acted on since the references deemed relevant by the Examiner and cited against the claims show a wide variety of materials subject to treatment; i.e.: Erickson et al 4,224,504 ... "a metal such as aluminum, tin-

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aluminum alloy or gold-antimony alloy ... silicon, germanium or the like." col. 2, lines 5-8; McGinty, "the semi-conductor wafer" (no material specified) col. 3, line 21; Sikka et al. "object being heated" col. 3, line 22 and "metal particles" col.5, lines 57, 58 and "cement or concrete" col. 7, line 21. The patentability of the claims is not affected by the revision because the allowance of the claims was based on differentiation of the claimed inventive steps over the manipulative steps disclosed in the references - not the material being treated. Applicant was not aware that the RCE claims were definitely on the verge of allowance until the phone call from the Examiner and then applicant's counsel hastened to review the application to ensure that the applicant would receive the claim coverage to which he was entitled and only then did the inadvertent limitation on the material being treated become apparent. Indeed, at this writing, applicant has not received a formal notice of allowance, the receipt of which would mandate characterization of the amendment as conforming to Rule 312, but nevertheless the heading of this amendment and the comments herein are provided as a precaution on the contingency that papers crossing in the mail would mandate the 312 status.

With the above we believe the application is in a posture suitable for the issuance of an unconditional Notice of Allowance and such is requested at the Examiner's early convenience. We are, as always, ready to respond to any questions or comments the

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Examiner may have.

Respectfully submitted,

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